

BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date April 21, 2004

Division

County Attorney

AGENDA ITEM WORDING

Approval of amended settlement agreement of code enforcement lien against Darrell Wolfe and authorization for staff to execute release of lien once terms of settlement agreement have been met.

ITEM BACKGROUND

The settlement agreement approved last month included language that left doubt as to whether the County was relinquishing its entire lienhold interest in Mr. Wolfe's property. The amended settlement agreement eliminates the doubt caused by paragraph one of the original settlement agreement. As a sign of good faith, Mr. Wolfe has already tendered the agreed upon figure of \$1,000.00

PREVIOUS RELEVANT BOCC ACTION

The BOCC authorized the initiation of collection litigation on November 19, 2003 and authorized settling the lien for \$1,000.00 on March 17, 2004.

CONTRACT/AGREEMENT CHANGES

STAFF RECOMMENDATIONS

Approval.

TOTAL COST

BUDGETED Yes No

COST TO COUNTY

SOURCE OF FUNDS

APPROVED BY: County Attorney ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:

John R. Collins 04/01/04
JOHN R. COLLINS

DOCUMENTATION:

Included xx ☐

To Follow ☐

Not Required ☐

AGENDA ITEM #

56

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA
The Honorable J. Jefferson Overby, Presiding**

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO.: CE03040122

DARRELL WOLFE,

Respondent(s)

_____ /

AMENDED SETTLEMENT AGREEMENT

The Petitioner Board of County Commissioners of Monroe County and DARRELL WOLFE, Respondent(s), hereby amend and replace the settlement agreement presented to and approved by the Board of County Commissioners on March 17, 2004, and the parties further presented agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent(s) as follows:

1. In order to resolve their differences amicably, avoid the expense of litigation, and buy peace in this matter, the parties agree to settle the code enforcement lien recorded at Book 1909, Page 137 of the Official Records of Monroe County for \$1,000.00.
2. The property is currently in compliance with the Monroe County Code.
3. The property in question has a legal description of Lot 20, Block 4, BAHIA MAR ESTATES Subdivision, KEY LARGO, Monroe County, FL (RE: 00544070-000000).
4. As a sign of good faith, the Respondent has already tendered a payment in the amount of \$1000.00 to the Board of County Commissioners.
5. Once this agreement has been executed by both parties and the aforementioned check has cleared, the County will issue to the Respondent(s) a release and satisfaction of said lien for filing by the Respondent(s) in the Official Records of Monroe County.
6. The County will file a copy of the release and satisfaction in official the Code Enforcement file.

7. By entering into this agreement, each party agrees to waive any and all claims that it could have raised and/or potential claims that it might have been able to raise as a result of the above-captioned code enforcement case.
8. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement.
9. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.
10. The effect of substituting this amended settlement agreement for the one approved by the Board on March 17, 2004 is to remove any doubt and/or ambiguity that the Board is relinquishing any and all interest the County may have had against the subject property or any other property owned by the Respondent(s) and by affirmatively releasing the Respondent(s) of any further liability for the fines imposed by the Special Master.

ATTEST:
DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Murray Nelson, Mayor

Dated _____

DARRELL WOLFE, Respondent

Notary Public

By: _____
(date)

This document was prepared and approved for legal sufficiency by:

Robert B. Shillinger, Esq.
Assistant County Attorney
Florida Bar No.: 058262
P.O. Box 1026
Key West, FL 33041-1026
(305) 292-3470